

## Application Checklist

Before submitting your application, please confirm you have the following items:

- Owner's name (please note that if an applicant is applying on behalf of a property owner, a letter of authorization from the owner must accompany the application)
- Mailing address/contact information
- Legal description of the property
- Civic address
- A brief description of the proposed variation or conditional use and the reason(s) it is required
- Site plan (if applicable)
- Variation or Conditional Use Order Application Fee of \$300.00 (Minor Variation Fee: \$150.00)

***I need changes to more than one provision. Do I need to make separate applications for each one?***

No, you can apply for multiple variations to a single property on the same application. For example, if you received a non-compliant zoning memorandum because of an insufficient front yard setback, side yard setback, and the separation distance between two buildings, all three provisions could be varied on the same variation order without the need for separate applications or hearings.

***What if I sell my property? Will the Order still be valid?***

Provided that Council has not imposed a condition on an approving order regarding change in ownership of the property in question, and provided that the order was acted upon within twelve months of the decision date, a variation or conditional use order runs with the property regardless of ownership.

Planning Department  
Office Hours  
Monday to Friday  
8:30am to 5:00pm



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This pamphlet provides general guidance only. For definitive requirements and procedures, please consult The Planning Act, the East St. Paul Development Plan, the East St. Paul Zoning By-Law or the Manitoba Department of Local Government.

Please consult the RM of East St. Paul Planning Department for further information or to make an application.

# Conditional Use & Variation Orders



Rural Municipality of  
**EAST ST. PAUL**  
Planning Department

## What is a Conditional Use?

“Conditional Use” means a use of land or a building that may be permitted under a zoning by-law (*The Planning Act CCSM P. 80*).

A zoning by-law will identify, within a specific zoning district, whether a particular use of land or a building is permitted or conditional. A conditional use is one that is generally consistent with other uses in the zone and which may be allowed under certain circumstances.

## What is a Variance?

In specific situations where compliance with the zoning regulation is unreasonable or impractical, a property owner can apply to Council to alter the regulations found in the RM of East St. Paul Zoning By-law.

Typically a variation would provide specific 'relief' from the zoning requirements governing: height, site area, width or coverage, building floor space, minimum yards, dwelling unit density or parking and loading requirements, as they apply to an individual site.

## What if I only need a slight change to a yard requirement?

The Development Officer may approve, with or without conditions, a minor variation which alters regulations governing height, distance, area, size or intensity of use by no more than 10 percent.

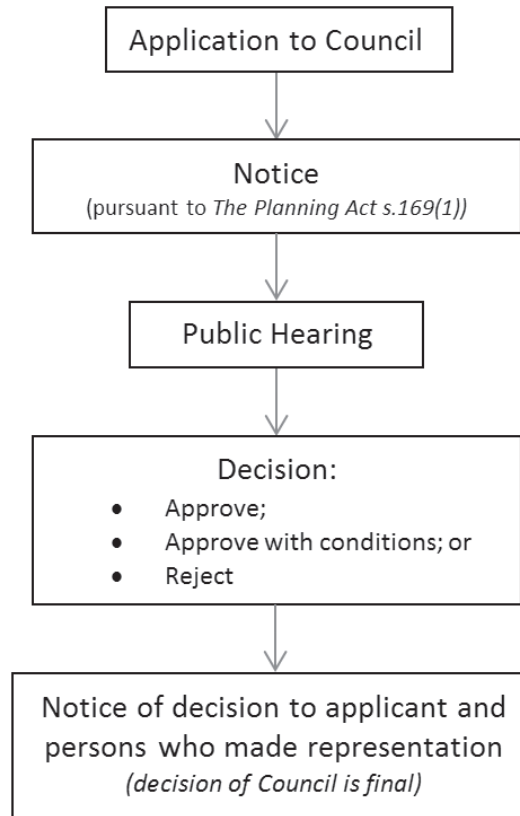
For example, if the minimum side yard requirement for a dwelling in your zone is 10 feet, but you can only accommodate a side yard setback of 9 feet, the variance could be approved directly by the Development Officer without the need for a public hearing or Council approval.

## How long is an Order valid?

An approval of Council must be acted upon within twelve months or it will expire and cease to have any effect. It may be renewed at Council's discretion for an additional twelve months, if an extension is applied for prior to the initial deadline.

SECTIONS RESIDENTIAL ZONES	
9-13	
10.0 RI-17: Single Housing Dwelling Zone	
10.1 GENERAL PURPOSE	
To establish a zone primarily for serviced single housing dwellings.	
10.2 PERMITTED USES	
1) Home Occupation	
2) Public Park	
3) Single Housing Dwelling	
10.3 CONDITIONAL USES	
1) Bed and Breakfast Home	8) Protective and Emergency Service
2) Child Care Service	9) Public Educational Service
3) Community Recreation Service	10) Public Library and Cultural Exhibit
4) Community Service Club	11) Religious Assembly
5) Institutional Residence	12) Transported Dwelling
6) Planned Unit Development	13) Utility Service
7) Private Education Service	

## Variation and Conditional Use Process



## How do I apply for a Conditional Use or Variance?

Variance and Conditional Use application forms are available at the Planning Department Office at Unit 1 - 3021 Birds Hill Road. Prior to submitting your application, you should discuss your proposal with Planning Department staff to review applicable plans, policies and regulations.

When an application is made, Council must provide notice and hold a public hearing pursuant to *The Planning Act*. Hearing notices are mailed to property owners within a 100 metre radius of the subject property, and any person who feels they may be affected if the Variation or Conditional Use order is granted has the opportunity to make representation in support or opposition to the proposal at the public hearing. The proponent will also have a chance to present development details and respond to any questions. When all interested parties have spoken, Council will close the public hearing.

Upon completion of the public hearing, Council can reject the application or approve the application as proposed with or without conditions. For Council to approve the application, it must find that the proposal will be consistent with the general area, that it will not be detrimental or negatively affect other properties or potential development in the surrounding area, and that it is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law. To ensure this, Council may impose conditions or require the applicant to enter into a development agreement with the municipality.

The applicant and those who made representation at the public hearing will be notified by regular mail of Council's decision.

## Can I appeal Council's decision?

In regard to Variation and Conditional Use orders, Council's decision is final and cannot be appealed.

The application fee is non-refundable, whether the decision is for or against the proposed variation or use.